

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SALVATORE PELULLO,

Plaintiff,

v.

PHILADELPHIA DETENTION CENTER
PHILADELPHIA, et al,

Defendants.

CIVIL ACTION
NO. 13-5165

ORDER

AND NOW, this 9th day of September, 2015, upon consideration of Plaintiff's Second Amended Complaint, the Federal Defendants' Motion to Dismiss (Docket No. 26), and all exhibits thereto, as well as Plaintiff's "Motion in Opposition to Government's Motion to Dismiss" (Docket No. 29), it is hereby **ORDERED** as follows:

1. Plaintiff's "Motion in Opposition to Government's Motion to Dismiss" is **GRANTED** (Docket No. 29) to the extent it seeks to have all claims set forth in Plaintiff's Second Amended Complaint as 42 U.S.C. § 1983 claims construed as Bivens claims against the federal defendants;
2. The Federal Defendants' Motion to Dismiss the Second Amended Complaint (Docket No. 26) is **GRANTED**;
3. The Amended Complaint is **DISMISSED** with prejudice;
4. The Clerk of Courts shall close this matter.

BY THE COURT:

/s/ Jeffrey L. Schmehl
Jeffrey L. Schmehl, J.